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January 21, 2003

TN REGULATORY AUTHORITY  
DOCKET ROOM

Honorable Sara Kyle, Chairman  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, Tennessee 37243

Re: *Complaint of AENEAS Communications Against Citizens Communications*  
*Weakly County, Tennessee*  
Docket No. 02-00438

Dear Chairman Kyle:

Please accept for filing in the above captioned proceeding the original and fourteen copies of Supplemental Discovery Requests of AENEAS Communications to NTCH-West Tennessee Inc. ("NTCH"). Copies were served on the parties on January 20, 2003. I have enclosed an additional copy to be stamped "filed." I appreciate your assistance in this matter.

Respectfully submitted,

BOULT, CUMMINGS, CONNERS & BERRY, PLC

By: Henry Walker  
Henry Walker

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Nashville, Tennessee 37219

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*Counsel for AENEAS Communications*

HW/bb  
Encl.

**BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TENNESSEE**

**January 20, 2003**

IN RE:        *Complaint of AENEAS*                                )  
              *Communications Against Citizens*                )  
              *Communications Weakley*                            )        *Docket No. 02-00438*  
              *County, Tennessee.*                                 )

**SUPPLEMENTAL DISCOVERY REQUEST OF AENEAS COMMUNICATIONS  
TO NTCH-WEST TENNESSEE INC. ("NTCH")**

Aeneas Communications ("Aeneas") submits the following supplemental discovery requests to NTCH-West Tennessee Inc. ("NTCH") in the above-captioned proceeding.

**Preliminary Matters and Definitions**

When not otherwise specified the term "NTCH" refers to NTCH-West Tennessee Inc. and/or to any affiliated corporate entity, engaging in the offering of regulated telephone services.

With respect to each of the following interrogatories, in addition to supplying the information requested, please identify any and all documents that support, refer to, or evidence the subject matter of each interrogatory in your answers thereto. If any or all of the documents identified herein are no longer in your possession, custody or control because of destruction, loss, or other reason, then you are requested to identify each such document fully, including the nature and type of the document, its date, the identity of the person who prepared the document, and the identity of the person or entity for whom it was prepared, and to the extent possible, you are requested to summarize the contents of the document and state the manner and date of the disposition thereof. If any of the requested documents are objected to or not produced on the basis of privilege, please include in your response the production, for each document, a written statement evidencing:

- a.        The nature and type of the document;
- b.        The date;

- c. The author of the document;
- d. The recipient;
- e. The sender; and
- f. A brief description of the contents sufficient to allow the TRA to rule on a motion to compel.

Consistent with the preceding definitions and preliminary matters, answer under oath the following discovery requests.

### **INTERROGATORIES**

1. Based on the circumstances set forth in the February 11, 2001, memorandum from TRA staffer Lewis De Board (copy attached), please explain NTCH's position concerning the proper routing of calls from an end user located in Weakly County served by Citizens Communications (Citizens) to an end user also located in Weakly County but who is in the service area of BellSouth Telecommunications, Inc. "BellSouth" and receives service from Aeneas. Does NTCH believe that citizens should route such traffic to a BellSouth tandem or to a BellSouth end office?

#### **ANSWER:**

2. Does NTCH believe that the Local Exchange Routing Guide ("LERG") directly or indirectly address the issues raised in Question 1? If so, please identify the relevant portions of the LERG, explain how these portions address the issues, and provide a copy of any relevant language from the LERG.

#### **ANSWER:**

3. Identify and provide any other source of information or policy consideration relied upon by NTCH in responding to Question 1.

**ANSWER:**

Respectfully submitted,

By: 

Henry Walker

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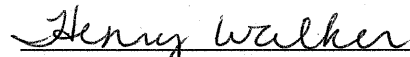
## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded via fax or hand delivery and U.S. mail to the following on this the 20 day of January, 2003.

Jim Wright, Esq.  
United Telephone-Southeast, Inc.  
14111 Capital Boulevard  
Wake Forest, NC 27587

Guilford F. Thornton, Jr.  
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Don Scholes, Esq.  
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Nashville, TN 37201-1631

  
Henry Walker

# TENNESSEE REGULATORY AUTHORITY

Sara Kyle, Chairman  
Lynn Greer, Director  
Melvin Malone, Director



460 James Robertson Parkway  
Nashville, Tennessee 37243-0505

## MEMORANDUM

**TO:** K. David Waddell  
Executive Secretary

**FROM:** Lewis T. De Board  
Consumer Services Division

**DATE:** February 11, 2001

**SUBJECT:** Complaint Relative To Telecommunications Traffic Transport  
By Citizens Communications To Aeneas Communications,  
LLC.

02-00438

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The TRA Consumer Services Division ("CSD" or "Staff") was contacted by Aeneas Communications ("Aeneas") regarding a problem it was experiencing with Citizens Communications ("Citizens") in Weakley County.<sup>1</sup> Specifically, Aeneas complained that Citizens' customers in Martin, Tennessee were unable to complete calls to its customer, an Internet Service Provider ("ISP"), in Greenfield, Tennessee. Aeneas stated that since the calls are originated and terminated in Weakley County, the calls should be sent to its switch for delivery to its customer, and be toll free.

To ensure this was not a typical county-wide calling problem, the staff checked the Local Exchange Routing Guide for the assignment location of the Central Office Code ("NXX") for the telephone number involved, and the TAR Code information to ensure Aeneas had the number coded for the proper county. It was found that the NXX involved was assigned to Aeneas in the BellSouth Greenfield Central Office, and the TAR Code was correct for Weakley County. This information proved that these calls are county-wide calls. The staff requested the positions of the parties regarding the situation, but after several attempts could not mediate an acceptable resolution to the problem. T.C.A. § 65-4-119 instructs the staff investigating an informal complaint to refer the complaint to the Authority should staff be unable to resolve it.

Aeneas requested that the county-wide calls to its customer, an ISP, be sent over the BellSouth toll trunk to the tandem switch in either Memphis or Jackson. These are the only two BellSouth tandem switches in West Tennessee. The staff confirmed that use of a tandem switch is necessary for calls to be transferred to a CLEC absent interconnection agreements because tandem switches are gateways between Incumbent Local Exchange

<sup>1</sup> CSD Complaint File No. 02-0125

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Carriers and other telecommunications service providers. Staff found that Aeneas has an interconnection agreement with BellSouth due to its presence within BellSouth's territory, but that Aeneas does not have an interconnection agreement with Citizens.

According to Aeneas, Citizens wants it to purchase an independent trunk group between the two companies in order to connect traffic to Aeneas rather than using the toll trunk and BellSouth's tandem switch. Staff understands that if Aeneas established an independent trunk group with Citizens, calls would be directly connected and the need to route calls through a tandem would be eliminated. Aeneas states it is reluctant to establish a trunk group, partly due to the expense, but also because it expects its usage within Weakley County from Citizens customers to be minimal.

Aeneas provided information that toll trunks to access the tandem switches were initially established for toll traffic. With the advent of cellular services and competition, toll trunks to tandem switches are sometimes used for non-toll traffic as well. According to Aeneas the other companies in West Tennessee are successfully using the toll trunks to access BellSouth's tandem switch for telecommunications traffic delivery to Aeneas

When contacted about Aeneas' complaint, Citizens responded that they were transporting its customers' calls to the BellSouth Greenfield Central Office over their Extended Area Service ("EAS") trunks. Citizens states this is the proper method for routing local traffic between the Martin and Greenfield central offices. Citizens reports that calls to Aeneas' customers are being dropped<sup>2</sup> in the Greenfield Central Office, and that BellSouth will only accept and process traffic to Aeneas' customers if that traffic is delivered to one of its tandem switches. Staff verified that the Greenfield Central Office (or end office) switch can only process and terminate traffic to individual access lines. Citizens denies that it is dropping or blocking calls from its customers to Aeneas' customers. Citizens stresses it is handling calls to Aeneas' customers in the identical manner it handles calls between its own customers.

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<sup>2</sup> A dropped call is one that is originated, processed by one or more switches, but is not delivered to the intended called end-user, or terminated.

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Citizens further states that they have no agreement with Aeneas for transport or exchange of traffic, and that it has not received an Access Service Request from Aeneas requesting access at its Martin central office. Citizens states that absent an agreement it does not feel obligated to route calls to Aeneas' customers over a common trunk group to BellSouth's tandem in Memphis or Jackson. Citizens states that it is not aware of any Authority ruling that would require them to route local traffic over its toll network at no charge. Citizens further states that the potential for blockage on the toll network is increased because of the added usage of ISP traffic. Citizens states that if Aeneas wants its traffic routed over the toll network, it needs to either establish trunk groups, or negotiate an agreement that properly compensates Citizens for the exchange of traffic.